

Haines Borough  
Borough Assembly Meeting #247  
June 11, 2013  
MINUTES

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **Scott** called the meeting to order at 6:30 p.m. in the Assembly Chambers and led the pledge to the flag.

2. **ROLL CALL**

**Present:** Mayor Stephanie **Scott**, and Assembly Members Joanne **Waterman**, Debra **Schnabel**, Jerry **Lapp**, Dave **Berry**, Norman **Smith**, and Steve **Vick**.

**Staff Present:** Mark **Earnest**/Borough Manager, Brooks **Chandler**/Borough Attorney (via Teleconference) Julie **Cozzi**/Borough Clerk, Jila **Stuart**/Finance Director, Simon **Ford**/Interim Police Chief, Carlos **Jimenez**/Director of Public Facilities, Michelle **Webb**/Deputy Clerk, Tanya **Carlson**/Tourism Director, Jerrie **Clarke**/Museum Director, Kris **Reeves**/Museum Assistant, Rebecca **Heaton**/Assistant Librarian, and Krista **Kielsmeier**/Public Facilities Administrative Assistant & Tourism Aide.

**Visitors Present:** Karen **Garcia**/CVN, Margaret **Friedenauer**/KHNS, Rob **Goldberg**, Jack **Wenner**, Paul **Nelson**, Dave **Kammerer**, James **Alborough**, Ted and Anastasia **Wiley**, Jim **Heaton**, Sierra **Jimenez**, Melissa **Henry**, Melissa **Aronson**, Cecily **Stern**, Dick **Flegel**, Ginger **Stigen**, Neil **Einsbruch**, Bob and Margaret **Plucker**, Renee **Hoffman**, Kristin **White**, Susan **Tandy**, Ardy **Miller**, Michael **Byer**, Henriette **Aronsen**, Lorraine **Dudzik**, Michael **Marks**, Bill **Kurz**, Tom **Andriesen**, and others.

3. **APPROVAL OF AGENDA & CONSENT AGENDA**

The following Items were on the published consent agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Library Report
- 9A – Library Board Minutes
- 11A1 – Adoption of Resolution 13-06-458
- 11A2 – Adoption of Resolution 13-06-467
- 11B1 – Introduction of Ordinance 13-06-332
- 11C3 – Increase Limits for Transporting Explosives across Lutak Dock

**Motion:** **Berry** moved to “approve the agenda/consent agenda,” and it was amended to add 11C6 - *Consideration of Underground Utility Districts* to the agenda and remove 11B2 from the consent agenda. The agenda, as amended, was approved unanimously.

\* 4. **APPROVAL OF MINUTES** – May 28, 2013 Regular

5. **PUBLIC COMMENTS**

**Stigen** expressed concern about the tree stumps she believes are in violation of nuisance code section HBC 8.12.010 that are placed next to her elderly parents’ property. It is unsafe for visitors, residents and caregivers because of poor traffic visibility. The bad appearance also impacts the ability to sell the property and they really need to sell to afford to move into assisted living. For a community that prides itself on being attractive, it is very unsightly.

**Kammerer** believes the assembly has used questionable tactics in retaining the borough manager. He has failed to perform his duties. The manager must not supervise the police chief. The borough attorney needs to make an advisory opinion concerning a conflict of interest involving the Executive Assistant to the Manager. The appearance of a conflict of interest should be avoided.

**Einsbruch** commented on the amount of leave time the manager is banking regardless of what he actually uses.

**Nelson** does not believe Haines has a borough manager based on recent history. Issues such as solid waste, assessment, and police department issues come to his mind. The people should elect the manager and chief of police. Every two years they should have to run for reelection. The assembly is supposed to represent the people of Haines not the Haines government.

6. **MAYOR’S COMMENTS/REPORT**

Mayor **Scott** said one concern brought to her recently is herbicide spraying on roadways. She has spoken with many managers in the state and has been told they have no intention of spraying on the Haines area roadways and they will welcome a letter from the borough stating our wish not to have that happen.

The mayor said Mike Forbush from Ocean Beauty will be in Haines and is bringing 1200 lbs of fish they are donating for the fishermen's barbecue on Saturday.

## 7. PUBLIC HEARINGS

### A. Ordinance 13-04-324 – third Hearing

**An Ordinance of the Haines Borough , Alaska, providing for the establishment and adoption of the budget of the Haines Borough for the Period July 1, 2013 through June 30, 2014 (Fiscal Year 2014).**

Mayor **Scott** opened the public hearing at 6:45pm.

**Aronson** said this is a wonderful community because of the services. She asked the assembly to fund all of the nonprofits at the level requested this year.

**Alborough** spoke for Dolphins Swim Team and their funding request. Also, as a library board member, he asked for full funding of the library's requested budget.

**Henry** spoke for the Chilkat Valley Preschool on behalf of several others present representing the organization. She thanked the assembly for past support and asked for continued funding at the requested levels for all nonprofits.

**M.Plucker** expressed library support. She has volunteered there for 16 years. She thanked the assembly for supporting people of all ages.

**Stern**, library board member, requested the assembly approve the original manager's budget. She said it isn't just a library, it's a community center. She wants the assembly to keep the doors open 7 days per week. Additionally, she is disappointed in the budget process, because it's so divisive. She recognizes the borough administration needs operating funds, too. It's a discouraging process pitting people against each other. Please come up with a different way to do it.

**R.Heaton**, library employee, said three families in Haines have told her the library tipped Haines into the winning column when they were trying to decide where to live. For the library to maintain the current services, the assembly needs to fund them at the level the manager recommended.

**Andriesen**, treasurer of Haines Dolphins Swim Team, said borough funding is a major part of their operating revenue. They are the main user of the pool. He appreciates the past funding.

**Marks**, museum board member, asked for more funding for the museum.

**A.Wiley**, museum board member, distributed a handout about the Museums Alaska conference scheduled to be in Haines in September. She also spoke about archeology and the role the museum plays in that in addition to history. The more money, the more job opportunities, the more conferences, and so on. Please provide job opportunities, help kids get into college, and bring money to the community by continuing to support the museum.

**S.Jimenez** spoke for Southeast Alaska Independent Living but she also noticed there are at least six different nonprofits that directly affect her family. There is a big return to the community when the borough contributes funding.

**Chapell** said her family chose to move to Haines in part because of the library. It's a functioning year-round town that keeps them here. Please restore full funding to all of the nonprofits. Their requests are modest and the returns are immeasurable. Those are the things keeping families here.

**Byer**, School Superintendent, said he believes the school district could absorb a cut this year, if necessary. They are trying to be careful and prudent in their expenditures. It would be good to start the budget process much earlier in the future. He offered that if \$40K would help the library and the museum, it would be a good investment because the school benefits from that, as well.

**Flegel**, treasurer for the library board, said there are three budget options before the assembly this evening: the one prepared by the borough manager, option A, and option B. The library could probably live with option B if they had to, but they would like to see the budget restored. Option A would mean closing the doors one or two days a week.

**J.Heaton**, museum board member, spoke in support of the museum and other cultural entities in Haines and what they do for the local schools. He also said government owning a museum collection is an exception to the norm.

**Clarke** appreciates the tough job the assembly members have. She thanked them for restoring the museum appropriation to the FY13 level.

**White**, a Chilkat Valley Preschool teacher and board member, asked the assembly to please fund the nonprofits, pool, library, and museum. It seems there is money to spend on certain things that might not need to be funded at the expense of cutting the life out of the community.

**Goldberg** agreed there are a lot of great services in Haines. We need to creatively think about ways to increase the revenues coming into the community. He volunteered to help brainstorm ideas.

**Kammerer** suggested the borough not replace the police chief and use that money to fund the nonprofits.

Hearing no further comments, the mayor closed the public hearing.

**Motion:** **Vick** moved to "adopt Ordinance 13-04-324," and it was amended to go with mill rate Option #2. The main motion, as amended, carried 4-2 in a roll call vote with **Vick** and **Smith**.

During the ordinance discussion, **Vick** thanked the public for their comments. The assembly has been working on this budget for a long time. He agrees with **Waterman** that the borough's departments should be funded first. He suggested the assembly might have a conversation before getting into formal motions as a way of coming up with a collaborative set of amendments.

**Motion:** **Vick** moved to "suspend the rules to allow a 10-15 minute discussion about the budget prior to amendment motions being made," and the motion carried unanimously.

**Vick** noted some are willing to adjust their budgets this year to help nonprofits be funded possibly at their requested levels. Regarding the mill rate options #1 and #2, **Schnabel** said she wasn't thinking the options would be to cut travel, training, children's activities, and holiday party. There are ways to be more efficient in processes and staffing. She's not inclined to go to the line with proposing that either option be adopted. She believes the manager is on board with working over the next year to find ways to be much more efficient. She is willing to adopt a budget tonight that's even higher provided the assembly and manager work with the assembly over the next year to effect the needed changes to address reduced revenue. **Smith** said the planning commission needs to be convinced to sell some land. The borough owns a lot of land and that's an answer to part of the dilemma. Also, he questioned if a police chief is really necessary. He'd rather see another officer hired. He spoke against the extravagance of fireworks. **Berry** said one of the issues easily addressed is selling property. **Lapp** said he would like to see the people embrace economic development in this town so the services the people like such as the library, museum, and pool can be afforded. He supports the budget before the assembly. **Scott** reminded that the assembly needs to adopt a mill rate this evening. She is concerned about fiscal responsibility. **Schnabel** said one of the things Haines has is a permanent fund. It's the borough's rainy day fund but it's never raining hard enough. As for the mill rate, people have told her they are pleased the assembly is trying to keep it down. However, she has had people also ask her why we are afraid of raising it. She wondered why the options have to be limited to cutting services. **Waterman** agreed with **Schnabel**. She would love to hear from this community that they are willing to pay more to fund the services they want. Also, the administration is working hard on economic development. She agreed the wheels need to get going on a land sale. **Lapp** is not in favor of raising the mill rate on top of the increase in land values this year. **Stuart** explained that both options presented by the manager would decrease the mill rates, albeit one more than the other. **Vick** moved to "amend by reducing the museum and library budgets by \$5,000 each and the school by \$8,000 and increase the community chest by \$18,000 in Fund 01," and it **failed** with **Schnabel**, **Waterman**, **Schnabel**, and **Berry** opposed. **Waterman** couldn't support it. The borough has accepted responsibilities and she wants them to be funded. **Schnabel** said she would not support it, either. She is willing to recognize there is a pool of funds set aside for community funding requests. If the committee that evaluates the requests determines they all merit funding, the assembly can do a budget amendment.

**B. Ordinance 13-05-325** - Second Hearing

**An Ordinance of the Haines Borough amending Haines Borough Code Chapter 2.40 and Section 2.50.040 to authorize the manager to appoint the police chief, to modify the duties of the police chief, and to make the hiring of police and correctional officers subject to state law.**

Mayor **Scott** opened the public hearing at 8:16pm.

**Nelson** spoke against this and wondered who's really in charge. There are other states where the sheriff is elected. He believes the people should elect the police chief in Haines.

**Kurz** believes putting this in the manager's lap is putting too much power in one person's hands. Rather, use a super-majority of the assembly to hire and fire.

Hearing no further comments, the mayor closed the public hearing at 8:19pm.

**Motion: Berry** moved to "adopt Ordinance 13-05-325," and it carried 5-1 in a roll call vote with SMITH opposed.

During the discussion, **Berry** said he doesn't believe the assembly should put more headaches and responsibilities on the borough manager. **Schnabel** spoke in favor of the motion. The only time the assembly is active is when they are in session, so they can't really supervise. The borough's personnel director is the borough manager and that is the right one to hire and fire the chief of police. **Earnest** said the structure we have is a manager/assembly form of government. This ordinance will not add anymore to the manager, because the manager currently supervises the chief up to the point of termination. However, if you have a situation where the chief of police is an issue, there is all of a sudden a parallel involvement of the assembly. Under this ordinance, the manager would make a hire recommendation requiring assembly approval. Then, if behavior rises to the level of termination, the assembly would then confirm that recommendation. The ordinance also removes the position from being a borough officer in order to prevent a conflict with borough charter.

**C. Ordinance 13-05-326 – Second Hearing**

**An Ordinance of the Haines Borough amending Borough Code Title 16, Section 16.16.010 establishing a deadline for returning harbor slip license agreements.**

Mayor **Scott** opened and closed the public hearing at 8:30pm; there were no public comments.

**Motion: Lapp** moved to "adopt Ordinance 13-04-326," and it carried unanimously in a roll call vote. There was no discussion.

**D. Ordinance 13-05-328 – First Hearing**

**An Ordinance of the Haines Borough amending Borough Code Title 18, Section 18.80.030 to only require conditional use approval for the construction of a building within 15 feet of an adjacent building if one or both of the buildings is for human occupancy.**

Mayor **Scott** opened the public hearing at 8:31pm.

**Goldberg** said right now the code requires 15-feet of separation between a dog house and a tool shed. That takes up a lot of the planning commission's and staff's time and is frivolous. This ordinance says one of the buildings has to be intended for human occupancy, and the planning commission recommends this change.

Hearing no further comments, the mayor closed the public hearing at 8:35pm.

**Motion: Berry** moved to "advance Ordinance 13-05-328 to a second public hearing on 6/25/13," and it carried unanimously. There was no discussion.

**E. Ordinance 13-05-329 – First Hearing**

**An Ordinance of the Haines Borough amending Borough Code Title 18, Section 18.80.040 to allow adjacent on-street parking to count toward the parking requirement.**

Mayor **Scott** opened the public hearing at 8:36pm.

**Goldberg** said this will enable business owners in the downtown area to ask the planning commission to allow them to include some legal on-street parking in the number of required parking spaces. He understands the term "short-term parking" concerns some because it is not defined in code. So, remove that term. It could be handled with signage to prevent overnight parking.

Hearing no further comments, the mayor closed the public hearing at 8:39pm.

**Motion: Waterman** moved to "advance Ordinance 13-05-330 to a second public hearing on 6/25/13," and it was amended to remove "short-term" from the section. The motion, as amended, carried 4-2 with **Smith** and **Schnabel** opposed.

**Smith** is concerned about Main Street and a problem with parked RVs. **Earnest** and **Scott** agreed that is an important but separate issue that can be dealt with another way. **Schnabel** asked how the planning commission imagines this working. **Goldberg** said this is only for commercial businesses and the on-street spots would still belong to the public. He agreed the RV concern could be addressed with signage. **Scott** believes a better solution is to redo the parking formula. The on-street spaces belong to the public. **Goldberg** said the planning commission considered that, but it's tricky. **Waterman** reiterated this is for commercial entities. If you change the parking requirements in code, you'll have people parking on the street anyway. This ordinance will give the planning commission the ability to consider it for a business. The lots in Haines are very small. She trusts the planning commission to make informed decisions. **Schnabel** suggested it should have specific criteria, because it is very subjective. She wondered about situations when the property has a change of use. This could become a political issue for the planning commission. **Goldberg** said this is no more

political than requests for conditional use permits that come to the commission.

**F. Ordinance 13-05-330 – First Hearing**

**An Ordinance of the Haines Borough amending Borough Code Title 18, Section 18.20.020 to adjust the time limit in the definition for "temporary use" to be consistent with the time period for temporary residence permits in Section 18.60.020.**

Mayor **Scott** opened the public hearing at 8:59pm.

**Goldberg** explained the ordinance corrects a code inconsistency.

Hearing no further comments, the mayor closed the public hearing at 9:00pm.

**Motion:** **Berry** moved to "advance Ordinance 13-05-331 to a second public hearing on 6/25/13," and it carried unanimously. There was no discussion.

**G. Ordinance 13-05-331 – First Hearing**

**An Ordinance of the Haines Borough adopting, by ordinance, a revised fee schedule that clarifies qualification for winter moorage rates.**

Mayor **Scott** opened and closed the public hearing at 9:01pm; there were no public comments.

**Motion:** **Waterman** moved to "advance Ordinance 13-05-331 to a second public hearing on 6/25/13," and it carried unanimously. There was no discussion.

**H. Ordinance 13-05-327 – First Hearing**

**An Ordinance of the Haines Borough amending borough code title 2, sections 2.08.010, 2.68.140, 2.68.200, and 2.68.510 to allow for election of assembly and school board members through single lists of candidates.**

Mayor **Scott** opened and closed the public hearing at 9:02pm; there were no public comments.

**Kurz** spoke against this. He really believes the current method is not broken and he thinks the change may actually cause problems.

Hearing no further comments, the mayor closed the public hearing at 9:03pm.

**Motion:** **Schnabel** moved to "advance Ordinance 13-05-327 to a second public hearing on 6/25/13," and it carried 4-3 with **Vick**, **Lapp**, and **Berry** opposed and the mayor breaking the tie in the affirmative.

**Schnabel** said the existing code describes the elected offices in this borough and states the ballot shall list the offices and candidate lists. **Earnest** explained the borough attorney is preparing some guidance regarding the implementation timeframe.

**8. STAFF/FACILITY REPORTS**

**A. Borough Manager – 6/11/13**

**Earnest** summarized his written report. He announced the formation of the heliski map committee and said they are scheduled to meet over the next three Fridays. **Smith** asked if this committee will be discussing a change in the penalties. **Earnest** said per code this committee looks only at map amendment proposals.

**B. Public Library – Staff Report of April 2013**

**9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES**

**\* A. Library Board of Trustees – Minutes of 4/17/13**

**B. Assembly Standing Committee Reports**

**Waterman** said the Personnel Committee met and it was well attended by members of the public. The committee recommends changes to the leave portion of the borough manager's contract, and they are still working on the language. They hope to bring it to the assembly in July. Additionally, during the meeting the manager presented the proposals from professional recruiting services. The committee recommends the chief of the police be handled by the traditional hiring process, but they did ask the manager to look into hiring someone to perform the background checks on the finalists. The resurrected Public Safety Commission is a large part of the hiring process, as well. And, having a lot of public input will be important.

**Motion:** **Berry** moved to "accept the Personnel Committee's recommendation regarding the recruitment of a police chief," and it carried unanimously.

**10. UNFINISHED BUSINESS**

**11. NEW BUSINESS**

**A. Resolutions**

\*1. **Resolution 13-06-458**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Kenworth Alaska in the amount of \$165,300 for the purchase and delivery of a T800 dump truck.

*The motion adopted by approval of the consent agenda: "adopt Resolution 13-06-458."*

\*2. **Resolution 13-06-467**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Murray and Associates, P.C. in the amount of \$15,373 for mechanical and electrical engineering for the Mosquito Lake School fan replacement project.

*The motion adopted by approval of the consent agenda: "adopt Resolution 13-06-467."*

**B. Ordinances for Introduction**

1. **Ordinance 13-06-332**

An Ordinance of the Haines Borough amending Borough Code Chapter 10.44 to provide that parking violations are subject to a civil fine; provide for the content of a notice of violation of parking restrictions; and establish an administrative appeal process for parking violations.

**Motion:** Lapp moved to "introduce Ordinance 13-06-332 and set a first public hearing for 6/25/13," and it carried unanimously.

Smith asked if the fines will come to the borough rather than the state. [Yes] He would also like to see some parking violations enforced, such as yellow and blue curbs.

**C. Other New Business**

1. **Non-Profit Scoring Matrix and Procedures**

*Note: Twelve FY14 funding requests were received from nonprofits by the 6/1 application deadline. Assuming funds would be allocated to address the funding requests, the mayor drafted a scoring matrix to assist with the review and suggested an ad hoc committee to do the scoring.*

**Motion:** Schnabel moved to "establish an ad hoc committee comprised of the mayor, manager, finance director, and two assembly members to score the FY14 nonprofit funding requests as proposed by the mayor in her memorandum dated 6/3/13," and the motion carried 4-2 with Vick and Smith opposed.

Scott suggested the committee work on refining the scoring matrix. Berry and Waterman volunteered to serve on the committee.

2. **Confirm Draft Letter to ADF&G about Upper Lynn Canal Crab Fishery**

*Note: on 5/28/13, the assembly asked the mayor to draft a letter to the ADF&G Commissioner asking for her help mitigating the indirect impacts of sea otters on the Dungeness crab stock in the Upper Lynn Canal.*

**Motion:** Berry moved to "confirm the draft letter to Commissioner Campbell regarding the Upper Lynn Canal Crab Fishery," and the motion carried unanimously.

During discussion, the assembly worked on the draft letter and came up with language acceptable to all. Lapp said some people don't believe an emergency closure would be good for the local fishermen. Smith said 90K pounds of crab was harvested this past year. This fishery cannot sustain that for the next three years. The Board of Fish doesn't address shellfish issues again until 2015. The borough needs to bring attention to the fact that there are issues now not when the Board of Fish meets in two years. The borough should ask for an out-of-cycle review by the Board. Goldberg said the damage has been done. The crabs are gone.

\*3. **Increase Limit for Transporting Explosives Across Lutak Dock**

*The motion adopted by approval of the consent agenda: "authorize the borough manager to send the draft letter to the US Coast Guard in support of increasing the limit for transport of explosives across the Lutak Dock."*

4. **In-kind Match to Southeast Conference for Federal EDA "Investing in Manufacturing Communities Partnership" Planning Grant**

*Note: Southeast Conference (SEC) has a steering committee working on a planning grant from the Federal Economic Development Administration (EDA) to move the region in a forward direction with manufacturing development - "Investing in Manufacturing Communities Partnership". SEC believes this region is ready for manufacturing expansion in the Maritime*

Industry and this planning grant would provide some funds to analyze the region's priorities. SEC's request to EDA was to be for \$200,000 and would need a match of \$200,000. They are asking for commitments from conference members to provide in-kind or financial contributions as a portion of the required match.

**Motion:** Berry moved to "approve an in-kind contribution to Southeast Conference as a part of the required match for an EDA "Investing in Manufacturing Communities Partnership" planning grant," and the motion carried unanimously.

**6. Consideration of Underground Utility Districts**

*Note: this item was added as 11C6 during approval of the agenda and subsequently moved ahead of Item 11C5 Executive Session by consensus.*

**Schnabel** said she is disappointed that another opportunity was missed to have power lines buried at the new Beach Road intersection. She suggested this issue be referred to the planning commission. **Goldberg** said back in Third Class Borough days, the Mud Bay Land Use Service Area wrote in code that power lines would be buried. **Schnabel** wondered what it's worth to the borough to have the poles removed. **Earnest** said it is very expensive to bury lines, and the idea should be put into the context of all of the other roads and buildings. **Smith** moved to direct the borough manager to contact the Regulatory Commission of Alaska about putting underground power in the waterfront project. It failed for lack of a second.

**Motion:** Waterman moved to "investigate language for utility districts and also designate priorities for future road projects," and the motion carried unanimously.

**Waterman** suggested the waterfront area might be designated the number one priority, so we can take care of business in the future. **Berry** suggested the code could state that any future projects would require underground utilities. **Lapp** noted if an ordinance is in place, the state would put underground utilities in their project cost estimates.

**14. PUBLIC COMMENTS – moved ahead of the Executive Session by consensus**

**Clarke** thanked the assembly for the museum budget. The museum can work with the borough to help get things done.

**Wenner** agreed that underground power is very expensive.

**11. C. 5. Executive Session – Review of Assembly Investigative Procedures**

*Note: on 5/14/13, this agenda item was rescheduled to this meeting.*

**Motion:** Waterman moved to "go into executive session as allowed by AS 44.62.310(c)(2) and Haines Borough Charter Section 18.03 to review assembly investigative procedures; this matter qualifies for executive session because a public discussion would tend to prejudice the character and reputations of persons involved; the borough manager and borough attorney are requested to attend," and the motion carried 5-1 with **Lapp** opposed.

Present: Mayor Scott; Assembly Members Lapp, Waterman, Vick, Berry, Schnabel, and Smith; Borough Manager Mark Earnest, and Borough Attorney Brooks Chandler (via teleconference). The executive session convened at 10:24pm and ended at 11:03pm.

No action was taken following the executive session.

**12. CORRESPONDENCE/REQUESTS - None**

**13. SET MEETING DATES - None**

**14. PUBLIC COMMENTS – moved ahead of the Executive Session by consensus**

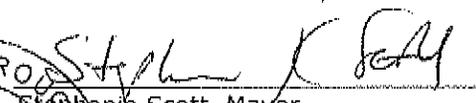
**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS - None**

**16. ADJOURNMENT ~ 11:04pm**

**Motion:** Berry moved to "adjourn the meeting," and the motion carried unanimously.

ATTEST:

  
Julie Cozzi, MMC, Borough Clerk

  
Stephanie Scott, Mayor

